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 Third-Party Plaintiff Saiz Construction Company, Inc.*

8  
 9 **UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

10 PAE APPLIED TECHNOLOGIES LLC, )

11 Plaintiff, )

12 vs. )

13 SAIZ CONSTRUCTION COMPANY, INC., and )  
 SURETEC INSURANCE COMPANY; DOES I )  
 through X, and ROE Corporations I through X, )  
 14 inclusive )

15 Defendants, )

16 SURETEC INSURANCE COMPANY, )

17 Cross-claimant, )

18 vs. )

19 SAIZ CONSTRUCTION COMPANY, INC. )

20 Cross-defendant, )

21 SURETEC INSURANCE COMPANY, )

22 Third-Party Plaintiff, )

23 vs. )

24 SIERRA GEOTECHNICAL SERVICES, INC., a )  
 California Corporation; RISUN )  
 25 TECHNOLOGIES, LLC, a Utah Limited )

Case No. 2:15-cv-357-RFB-NJK

**STIPULATION AND ORDER TO  
 DISMISS PAE APPLIED  
 TECHNOLOGIES LLC'S  
 COMPLAINT AGAINST SAIZ  
 CONSTRUCTION COMPANY, INC.  
 AND SURETEC INSURANCE  
 COMPANY; SAIZ CONSTRUCTION  
 COMPANY INC.'S  
 COUNTERCLAIM; AND SURETEC  
 INSURANCE COMPANY'S CROSS-  
 CLAIM AGAINST SAIZ  
 CONSTRUCTION COMPANY INC.;**  
**AND TO DISMISS THIRD-PARTY  
 DEFENDANTS SIERRA  
 GEOTECHNICAL SERVICES, INC.,  
 RISUN TECHNOLOGIES, LLC,  
 TONOPAH SAND AND GRAVEL,  
 INC. AND DEVELOPER'S SURETY  
 AND INDEMNITY COMPANY  
 WITH PREJUDICE**

Liability Company; TONOPAH SAND AND GRAVEL, INC., a Nevada Corporation; TEAL CONSTRUCTION, INC., a Utah Corporation; DEVELOPER'S SURETY AND INDEMNITY COMPANY; an Iowa Corporation, and JOHN DOES 1 through 30; ROE BUSINESS ENTITIES 1 through 30

Third-Party Defendants,

SAIZ CONSTRUCTION COMPANY, INC., a Utah corporation,

Counterclaimant,

vs.

PAE APPLIED TECHNOLOGIES LLC, a Delaware corporation, formerly known as CSC APPLIED TECHNOLOGIES LLC,

Counter-defendant,

SAIZ CONSTRUCTION COMPANY, INC., a Utah Corporation,

Third-Party Plaintiff,

vs.

RISUN TECHNOLOGIES, LLC, a Utah Limited Liability Company; TONOPAH SAND AND GRAVEL, INC., a Nevada Corporation; TEAL CONSTRUCTION, INC., a Utah Corporation; SIERRA GEOTECHNICAL SERVICES, INC., a California Corporation; and DOES 1 through 30,

Third-Party Defendants.

**STIPULATION AND ORDER TO DISMISS PAE APPLIED TECHNOLOGIES LLC'S COMPLAINT AGAINST SAIZ CONSTRUCTION COMPANY, INC. AND SURETEC INSURANCE COMPANY; SAIZ CONSTRUCTION COMPANY INC.'S COUNTERCLAIM; AND SURETEC INSURANCE COMPANY'S CROSS-CLAIM AGAINST SAIZ CONSTRUCTION COMPANY INC.; AND TO DISMISS THIRD-PARTY DEFENDANTS SIERRA GEOTECHNICAL SERVICES, INC., RISUN TECHNOLOGIES, LLC, TONOPAH SAND AND GRAVEL, INC. AND DEVELOPER'S SURETY AND INDEMNITY COMPANY WITH PREJUDICE**

**STIPULATION AND ORDER TO DISMISS PAE APPLIED TECHNOLOGIES LLC'S COMPLAINT AGAINST SAIZ CONSTRUCTION COMPANY, INC. AND SURETEC INSURANCE COMPANY; SAIZ CONSTRUCTION COMPANY INC.'S COUNTERCLAIM; AND SURETEC INSURANCE COMPANY'S CROSS-CLAIM AGAINST SAIZ CONSTRUCTION COMPANY INC.; AND TO DISMISS THIRD-PARTY DEFENDANTS SIERRA GEOTECHNICAL SERVICES, INC., RISUN TECHNOLOGIES, LLC, TONOPAH SAND AND GRAVEL, INC. AND DEVELOPER'S SURETY AND INDEMNITY COMPANY WITH PREJUDICE**

Plaintiff / Counter-defendant PAE Applied Technologies LLC, by and through counsel Amy Sorenson, Esq. of the law firm SNELL & WILMER LLP and Brian J. Vella, Esq. of the law firm SMITH PACHTER MCWHORTER PLC, Defendant / Counterclaimant / Cross-Defendant / Third-Party Plaintiff Saiz Construction Company Inc., by and through its counsel Shea A. Backus, Esq. of the law firm BACKUS, CARRANZA & BURDEN, Defendant / Cross-claimant / Third-Party Plaintiff SureTec Insurance Company, by and through its counsel D. Chris Albright, Esq. of the law firm ALBRIGHT, STODDARD, WARNICK & ALBRIGHT and Frank Lanak, Esq. of the law firm LANAK & HANNA, P.C., Third-Party Defendants Risun Technologies, LLC and Developer's Surety and Indemnity Company, by and through their counsel Brett D. Ekins, Esq. of the law firm JONES WALDO HOLBROOK & MCDONOUGH, Third-Party Defendant Tonopah Sand and Gravel, Inc., by and through its counsel David S. Schopick, Esq. of the law firm SPRINGEL & FINK LLP, and Third-Party Defendant Teal Construction Inc., by and through its counsel Kurt Bonds, Esq. of the law firm ALVERSON, TAYLOR, MORTENSEN & SANDERS, hereby stipulate as follows:

1. On December 19, 2014, Plaintiff filed its original Complaint in the District Court of Nye County, Nevada. [Doc. 1]
2. On February 27, 2015, Defendant SureTec Financial Corporation removed this matter to federal court. [Doc. 1]
3. On March 6, 2015, the appearing parties Plaintiff PAE Applied Technologies LLC and Defendant SureTec Financial Corporation stipulated to filing of an amended complaint to

1 substitute SureTec Insurance Company as a defendant and dismissing SureTec Financial  
2 Corporation. [Doc. 9]

3 4. On March 16, 2015, Plaintiff PAE Applied Technologies LLC filed its First  
4 Amended Complaint naming Defendants Saiz Construction Company Inc. and SureTec Insurance  
5 Company. [Doc. 12]

6 5. On April 20, 2015, Defendant SureTec Insurance Company filed its Answer to  
7 First Amended Complaint and also filed its Crossclaim against Cross-Defendant Saiz Construction  
8 Company Inc. and Third-Party Complaint against Third-Party Defendants Sierra Geotechnical  
9 Services, Inc., Risun Technologies, LLC, Tonopah Sand & Gravel, Inc., Teal Construction, Inc.,  
10 Developer's Surety and Indemnity Company, and John Does I through 30, and Roe Business  
11 Entities 1 through 30. [Doc. 20]

12 6. Defendant Saiz Construction Company Inc. filed its Answer to Plaintiff's First  
13 Amended Complaint on May 11, 2015. [Doc. 38] Defendant Saiz Construction Company, Inc.  
14 filed its Amended Answer, Counterclaim and Third-Party Complaint naming Third-Party  
15 Defendants Risun Technologies, LLC, Tonopah Sand & Gravel, Inc., Teal Construction, Inc.,  
16 Developer's Surety and Indemnity Company, and Does I through 30 On June 1, 2015. [Doc. 48]  
17 Cross-Defendant Saiz Construction Company Inc. filed its Answer to SureTec Insurance  
18 Company's Counterclaim on July 6, 2015. [Doc. 76]

19 7. Third-Party Defendant Risun Technologies, LLC filed its Answer to SureTec  
20 Insurance Company's Third-Party Complaint on June 4, 2015. [Doc. 58]

21 8. Third-Party Defendant Developer's Surety and Indemnity Company filed its  
22 Answer to SureTec Insurance Company's Third-Party Complaint on June 4, 2015. [Doc. 59]

23 9. Third-Party Defendant Sierra Geotechnical Services, Inc. filed its Answer to  
24 SureTec Insurance Company's Third-Party Complaint on June 5, 2015. [Doc. 62]

1           10.    Plaintiff/Counter-Defendant PAE Applied Technologies LLC filed its Answer to  
2   Saiz Construction Company Inc.'s Counterclaim on June 25, 2015. [Doc. 67]

3           11.    Third-Party Defendant Teal Construction Inc. filed its Answer to Third-Party  
4   Plaintiff Saiz Construction Company Inc.'s Third-Party Complaint on September 4, 2015. [Doc.  
5   92]

6           12.    Third-Party Defendant Teal Construction Inc. filed its Answer to Third-Party  
7   Plaintiff SureTec Insurance Company's Third-Party Complaint on September 11, 2015. [Doc. 93]

8           13.    Third-Party Defendant Tonopah Sand and Gravel, Inc. filed its Answer to Third-  
9   Party Plaintiff SureTec Insurance Company's Third-Party Complaint on September 23, 2015.  
10   [Doc. 95]

11          14.    Third-Party Defendant Tonopah Sand and Gravel, Inc. filed its Answer to Third-  
12   Party Plaintiff Saiz Construction Company Inc.'s Third-Party Complaint on September 23, 2015.  
13   [Doc. 96]

14          15.    On December 15, 2015, the parties participated in mediation with mediator Ken C.  
15   Gibbs of JAMS. After said mediation, the parties continued to discuss resolution of this matter  
16   with the assistance of Mediator Gibbs.

17          16.    A settlement of all claims between the following parties was reached on or about  
18   March 8, 2016: Plaintiff / Counter-defendant **PAE Applied Technologies LLC**, Defendant /  
19   Counterclaimant / Cross-Defendant / Third-Party Plaintiff **Saiz Construction Company Inc.**,  
20   Defendant / Cross-claimant / Third-Party Plaintiff **SureTec Insurance Company**, Third-Party  
21   Defendants **Risun Technologies, LLC** and **Developer's Surety and Indemnity Company**, and  
22   Third-Party Defendant **Tonopah Sand and Gravel, Inc.** (hereinafter collectively referred to as  
23   "Settling Parties").

24   ///

25   ///

1           17. As part of this settlement, the settling parties agreed to voluntarily dismiss the  
2 following claims against the following parties in accordance with FED. R. CIV. P. 41:

- 3           a. PAE Applied Technologies LLC's claims set forth in its First-Amended  
4 Complaint (Doc. 12) against Saiz Construction Company Inc. and SureTec  
5 Insurance Company;
- 6           b. SureTec Insurance Company's claims set forth in its Crossclaim (Doc. 20)  
7 against Saiz Construction Company Inc.
- 8           c. SureTec Insurance Company's claims set forth in its Third-Party Complaint  
9 (Doc. 20) against Third-Party Defendants Sierra Geotechnical Services,  
10 Inc., Risun Technologies, LLC, and Tonopah Sand & Gravel, Inc.
- 11           d. Saiz Construction Company Inc.'s claims set forth in its Counterclaim  
12 (Doc. 48) against PAE Applied Technologies LLC.
- 13           e. Saiz Construction Company Inc.'s claims set forth in its Third-Party  
14 Complaint (Doc. 48) against Third-Party Defendants Risun Technologies,  
15 LLC, Tonopah Sand & Gravel, Inc., and Developer's Surety and Indemnity  
16 Company.

17           18. The Settling Parties will bear their own attorneys fees and costs.

18           19. This voluntary dismissal of claims does not resolve this entire case.

19           20. No trial date has been set in this case.

20           21. Third-Party Plaintiffs Saiz Construction Company Inc. and SureTec Insurance  
21 Company's claims set forth in their respective Third-Party Complaints against Third-Party Defendant  
22 Teal Construction, Inc. have not been settled, and Third-Party Plaintiffs, accordingly, maintain their  
23 third-party claims against Teal Construction, Inc. Accordingly, Third-Party Teal Construction, Inc. is  
24 not being dismissed by way of this voluntary dismissal.




1 IT IS HEREBY STIPULATED AND AGREED TO BY:

2 Dated this 21 day of May, 2016,

June  
Dated this 10 day of May, 2016,

3   
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14 Third-Party Plaintiff Saiz Construction  
15 Company, Inc.*

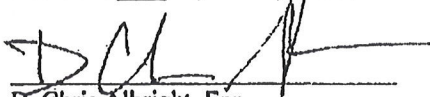
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*Plaintiff PAE Applied Technologies, LLC*

12 Dated this 17<sup>th</sup> day of May, 2016,

13 Dated this 13<sup>th</sup> day of May, 2016,

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*Defendant / Third-Party Plaintiff / Cross-  
claimant SureTec Insurance Company*

  
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*Third-Party Defendant Sierra Geotechnical  
Services, Inc.*

1 Dated this 16<sup>th</sup> day of May, 2016,

2 Dated this 11 day of ~~May~~<sup>Jun</sup>, 2016,

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14 *Surety and Indemnity Company*

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*Third-Party Defendant Teal Construction, Inc.*

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20 *Third-Party Defendant Tonopah Sand and*  
21 *Gravel, Inc.*

17 IT IS SO ORDERED.

18 DATED this \_\_\_\_ day of \_\_\_\_, 2016.

21 Hon. Richard F. Boulware, II  
22 United States District Court  
23 Case No. 2:15-cv-00357-RFB-NJK  
24  
25



1 Dated this \_\_\_\_ day of May, 2016,

Dated this \_\_\_\_ day of May, 2016,

2 see prior page

see prior page

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13 *Surety and Indemnity Company*

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*Third-Party Defendant Teal Construction, Inc.*

9 Dated this \_\_\_\_ day of May, 2016,

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20 *Third-Party Defendant Tonopah Sand and*  
21 *Gravel, Inc.*

17 **IT IS SO ORDERED.**

18 DATED this 19th day of July, 2016.

19 

20 Hon. Richard F. Boulware, II  
21 United States District Court  
22 Case No. 2:15-cv-00357-RFB-NJK  
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